

REMARKS/ARGUMENTS

The Office Action mailed August 25, 2005 has been reviewed and carefully considered. Claims 1-11 were previously canceled. Claims 12, 13, and 16 have been amended and claim 25 is added. Claims 12-25 are pending in this application, with claim 12 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

The disclosure is objected to as containing a minor informality. The specification has been amended to clarify that Fig. 2 shows the V-shape of the receiving channel. In view of the amendments, the objection to the specification should now be withdrawn.

Claims 12-16, 17, and 19 stand rejected under 35 U.S.C. §102, as anticipated by U.S. Patent No. 6,007,537 (Burkinshaw).

Independent claim 12 has been amended and now recites "said first mounting part further defining at least one slot therethrough in the region of said receiving channel arranged at an angle obliquely to the longitudinal axis of the receiving channel for guiding a saw blade introduced through said slot for cutting a bone piece received in said receiving channel to a predetermined wedge shape usable for displacement osteotomy".

It is respectfully submitted that Burkinshaw fails to disclose (1) a receiving channel for receiving the bone piece to be cut, (2) "at least one slot therethrough in the region of said receiving channel arranged at an angle obliquely to the longitudinal axis of the receiving channel" and (3) the slot is arranged for "guiding a saw blade introduced through said slot for cutting a bone piece received in said receiving channel to a predetermined wedge shape usable for displacement osteotomy", as expressly recited in independent claim 12.

Burkinshaw discloses a nested cutting block for making all cuts required for fitting implants for prosthetic joints. The cutting block 10 includes a first block 12 including a pair of slots 14, 16 and a cavity 18 (see col. 2, lines 59-63; and Fig. 1 of Burkinshaw). A second block 20 is detachably mountable in the cavity 18 and includes further slots 22, 24 (col. 2, lines 63-66). Slots 14, 16 are disposed at a first angle for a femoral cutting operation and slots 22, 24 are disposed at a different angle for a chamfering operation (col. 3, lines 21-29). As shown in Fig. 1, the bottom of the second block 20 rests on the bone 40 to be cut and the second block is secured to the bone 40 by pins (col. 3, lines 10-16).

The Examiner alleges that V-shaped opening 62 is the claimed receiving channel. However, the V-shaped opening 62 is arranged on the front block on a side facing away from the bone 40 to be cut (see Fig. 3 which shows opening 62 and Fig. 8 which shows the location of the bone 40). Since the V-shaped opening 62 is on a side facing away from the bone 40, the V-shaped opening of Burkinshaw can not be considered to be the receiving channel for receiving the bone piece, as expressly recited in independent claim 12.

Furthermore, the Examiner also alleges that the slot 22 is oblique to the axis 82 of the receiving channel. The slot 22 is arranged in second block 20 and the receiving channel 62 is arranged in the first block 12. The claim requires that both the receiving channel and the slot are arranged in the first mounting part. Furthermore, slot 22 is not oblique to the V-shaped opening 62. In contrast, slot 22 is parallel to the V-shaped opening 62.

Finally, none of the slots in Burkinshaw are arranged for cutting a bone in the receiving channel into a wedged shape to be used for displacement osteotomy, as expressly recited in independent claim 12.

For all of the above reasons, it is respectfully submitted that independent claim 12 is not anticipated by Burkinshaw under 35 U.S.C. §102.

Since Burkinshaw relates to femoral cutting operation for preparing a bone for a prosthesis, Burkinshaw fails to teach or suggest a device for "cutting a bone piece received in said receiving channel to a predetermined wedge shape usable for displacement osteotomy", as expressly recited in independent claim 12. Accordingly, independent claim 12 is also not obvious in view of Burkinshaw under 35 U.S.C. §103.

Dependent claims 13-25, each being dependent on independent claim 12, are deemed allowable for the same reasons expressed above with respect to independent claim 12, as well as for the additional recitations contained therein.

Dependent claim 13 recites "wherein said first mounting part defines two intersecting slots in the region of the receiving channel, each of the intersecting slots being arranged at an acute angle relative to the longitudinal axis of the receiving channel". The slots 14, 16 and 22, 24 of Burkinshaw are parallel to the V-shaped opening 62 and therefore do not make acute angles relative to the longitudinal axis of the receiving channel. Accordingly, dependent claim 13 is allowable for this additional reason.

Dependent claim 16 recites "wherein said second mounting part defines a receiving channel, wherein the receiving channels of said first and second mounting parts face each other when said second mounting part is received on said first mounting part so that the bone piece to be cut is received in said receiving channels between said first and second mounting parts during a cutting operation". Burkinshaw fails to teach or suggest receiving channels on parts 12 and 20 facing each other. Rather, Burkinshaw discloses that the bone 40 is

arranged on a side of the second block 20 facing away from the first block 12. Accordingly, dependent claim 16 is allowable for these additional reasons.

New dependent claim 25 recites "the at least one slot has a length along said first mounting part and a depth through said first mounting part, the length of said at least one slot being arranged at an angle oblique to the longitudinal axis of said first mounting part". This clarifies that the length of the slot runs oblique to the longitudinal axis of the receiving channel. As mentioned above, the lengths of the slots in Burkinshaw run parallel to the V-shaped opening. Accordingly, dependent claim 25 should be allowable for these additional reasons.

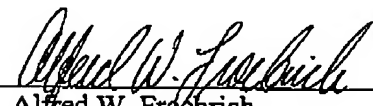
In view of the above amendments and remarks, the application is deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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